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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/482,263 | 01/13/2000 | Gunter Halmschlager | P18720 | 6753 |

7055 7590 09/28/2004

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RESTON, VA 20191

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| EXAMINER |
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HUG, ERIC J

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| ART UNIT | PAPER NUMBER |
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1731

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/482,263

Applicant(s)

HALMSCHLAGER ET AL.

Examiner

Eric Hug

Art Unit

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-13, 15-37 and 39-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-21, 25-37 and 39-53 is/are allowed.
- 6) ☒ Claim(s) 2-13, 15 and 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 January 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed September 13, 2004 have been fully considered with respect to the rejection of claims 2-13, 15, and 22-24 under 35 U.S.C. 103(a) as being unpatentable over Chalon (US 1,925,917) and the rejection of claims 2-6, 13, 15, and 22-24 under 35 U.S.C. 103(a) as being unpatentable over Majaniemi (US 4,482,430). The rejections have been withdrawn. A new grounds of rejection is made below. PROSECUTION IS HEREBY REOPENED.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 2-7, 13, 15, and 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Perkins et al (US 3,077,925). Perkins discloses an endless suction box belt for a forming section of a paper making machine. The belt comprises a strength member 32 made of woven longitudinal and transverse yarns 36, 38 forming a fabric sheet. The sheet is fully impregnated with a material 40 such as rubber or plastic. The yarns can be metal wires of brass, stainless steel, bronze, or aluminum. See particularly column 4, line 40 to column 5, line 40 and Figures 8-12. The metal fabric sheet reads on the claimed long-chain support structure composed of a metallic material and the impregnating material reads on the claimed filler. Once impregnated, the belt is impermeable to water or moisture.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perkins et al (US 3,077,925) in view of Kastner (US 1,794,624) and Bowen (US 5,449,548).

Perkins discloses an endless suction box belt for a forming section of a paper making machine as described above. The belt comprises a strength member made of woven longitudinal and transverse yarns forming a fabric sheet. The sheet is fully impregnated with a material such as rubber or plastic. With regards to the shape of the cross section of the yarns forming the strength member in Perkins, a rounded cross-section is shown in the figures, however other shapes of wires as given by claims 8-12 are obvious in view of Kastner and Bowen, who disclose various yarn shapes in papermaking fabrics for controlling the size and properties thereof. Therefore, at the time of the invention, it would have been obvious to one skilled in the art to use yarn shapes other than circular in the fabric of Perkins for the same reasons.

The claims are also unpatentable in view of legal precedent. The Federal Circuit's predecessor court, the CCPA, has repeatedly held that presumption of obviousness was formed, based on the ken of routineer, whenever a difference was deemed minor. *In re Dailey*, 149 USPQ 47 (CCPA 1976), it was held that change in form or shape is an obvious engineering design.

Art Unit: 1731

Allowable Subject Matter

Claims 16-21, 25-37, and 39-53 are allowed as indicated previously.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Hug whose telephone number is 571 272-1192. The examiner can normally be reached on Monday through Friday, 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eric Hug
jeh


STEVEN P. GRIFFIN
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